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09/752,026

12/29/2000

Gary E. Sullivan

257/127

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08/17/2006

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EXAMINER

LE, DEBBIE M

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,026

Applicant(s)

SULLIVAN ET AL.

Examiner

DEBBIE M. LE

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent 6,738,766 B2) in view of Moore et al (US Patent 7,000,015 B1).

As per claim 1, Peng discloses a system for storing and retrieving data (col. 2, lines 32-48), comprising:

an identifier including three or more variables for identifying each data stored in said system, wherein one of said at least three or more variables is a location variables (Figs. 2b, 3a-b, col. 4, lines 64, col. 5, lines 1-7).

Peng does not explicitly teach a physical location variable relating to a physical location other than in a computer. However, Moore teaches at a physical location other than in a computer (as a physical location field of the user's home, col. 26, lines 22-27, 36-39, 55-67, col. 27, lines 1-3). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to store physical locations relating to a physical location other than in a computer because it allows users of Peng's system to register their physical location information to a server so that the server, in their precision of the location information said user provided, applications and services adequately conform their behavior to the realities of their locations in said user availability for a particular use.

As per claims 2-6, Peng teaches wherein one of said three or more variables is a device identification variable, a timestamp for prioritizing said data, wherein one of said variables may be filled by a wildcard, wherein said system includes a registry for

storing said data, wherein said registry is provided in a database structure (Fig. 8, Fig. 3b, col. 5, lines 1-3, 48-65).

As per claims 7-10, Peng teaches wherein said three or more variables includes a device identification variable, an application identification variable and a user identification variable, a timestamp for prioritizing data, wherein one of said variables may be filled by a wildcard, wherein said system includes a registry and said registry includes a database structure for storing said data (Fig. 8, Fig. 3b, col. 5, lines 1-3, 48-65).

Claims 11 and 14 are rejected by the same rationale as state in independent claim 1 arguments.

As per claims 12-13, Peng teaches a means for providing a floating value to said at least three variables, a means for associating a time stamp to said data (col. 5, lines 1-3).

Claims 16-18, 20-21 have similar limitations as claims 2-10; therefore, they are rejected under the same subject matter.

As per claim 19, Peng teaches deleting one or more data items that has been superseded by a subsequent data having same identifier but a higher time stamp value (Fig. 8, # 810).

As per claim 22, Moore teaches wherein at least one of said stored data further includes preference data (col. 26, lines 55-67).

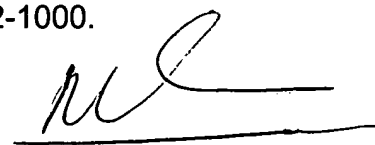
Claims 23-24 have the same limitations as claim 22, therefore, they are rejected under the same subject matter.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DEBBIE LE  
PRIMARY EXAMINER

8/15/06